WP(C) 6693/2005

BEFORE

THE HON'BLE MR. JUSTICE H.N. SARMA

Heard Mr. P.P.Boruah, learned counsel for the petitioner and Mr. D.Saikia, learned Standing Counsel for the respondents.

The case of the petitioner is that he was appointed as Deputy Superintendent of Police at Chariduar CHC, Sonitpur vide Notification dated 9.6.2005. The petitioner is a specialist in Gynecology. In view of the fact that Chariduar FRU was not fully equipped for functioning, the petitioner was allowed to work at Kanaklata Civil Hospital, Tezpur till the full functioning of the said Chariduar FRU vide order dated 14.7.2005. Accordingly the petitioner was rendering his service as Gynecologist at Kanaklata Civil Hospital, Tezpur. While the petitioner was rendering his service at the said hospital, vide order dated 13.1.05 the petitioner was temporarily adjusted at Gohpur FRU as Gynecologist. Challenging the order dated 13.9.2005, the said respondent submitted a counter on 8.3.2006 wherein it is alleged that the petitioner being a Govt. servant he is bound to serve wherever he is directed. A rejoinder affidavit -in -opposition has also been filed by the petitioner on 7.5.2007. From the said rejoinder it reveals that vide order dated 13.7.2007 i.e. after the filing of the counter, one Dr. Ranjit kari who is serving at Dhekiajuli CHS has been adjusted at Gohpur FRU with immediate effect.

The aforesaid subsequent event that has taken place in the meantime, discloses that Dr. Ranjit Kari, a specialists in Gynecologist is presently serving in the Gohpur FRU. Learned counsel for the petitioner submits that as and when the Chariduar CHC, would be completed and functional the petitioner would definitely make himself available in the said hospital in terms of his appointment.

Be that as it may, in view of the placement and adjustment of Dr. Ranjit Kari, a specialist in Gynecology, in Gohpur FRU the impugned order appears to have become redundant and in view of the order dated 13.7.2006( Office Order No. JDS/S/Adjt/MO/04-05/4475, Annexure-1), the impugned dated 13th September, 2005 appears to have superceded so far it relates to the petitioner.

Accordingly, in view of the above facts situation, this writ petition is disposed of with the order that the petitioner would continue to serve at Kanaklata, Civil Hospital, till the full functioning of Chariduar FRU as per policy of the government .

With the aforesaid directions and observations this writ petition stands allowed.